

### REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 2-6 and 8-11 are in the application. Claim 2 has been amended. Claim 7 has been canceled. No new matter has been added.

The Examiner rejected claims 2-8 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Fujikawa et al.* in view of *Sakata et al.* Claims 9 and 10 were rejected under 35 U.S.C. §103 as being unpatentable over these references and further in view of *Fabry et al.* Applicants respectfully traverse.

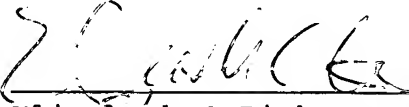
Claim 2 has been amended to incorporate the elements of claim 7, now canceled. Applicants submit that *Fujikawa* does not inherently teach the features of amended claim 1, i.e., removing from 0.01 to 0.2  $\mu\text{m}$  of material from the surface of the semiconductor wafer at an etching rate of 0.01  $\mu\text{m}/\text{min}$  to 0.1  $\mu\text{m}/\text{min}$ . It is well known that the amount of material which is etched from the surface of a semiconductor wafer as well as the rate of material removal depends on both the concentration of the

etchant and the exposure time. *Fujikawa* does not disclose a specific etchant concentration, and therefore does not contain an implicit teaching regarding the amount of material that is removed and the etching rate during wafer pre-processing. Since neither *Sakata et al.* nor *Fabry* disclose these features, combining *Fujikawa* with either of these references would not lead to the claimed invention either. Accordingly, Applicants submit that claims 2-6 and 8-11 are patentable over the cited references, taken either singly or in combination.

The Examiner also rejected claims 2-11 under the judicially created doctrine of double patenting over U.S. Patent No. 6,630,024. Applicants submit herewith a Terminal Disclaimer, disclaiming that portion of the term of the patent issuing on the present application, that would extend beyond the term of U.S. Patent No. 6,630,024.

It is now believed that the application is in condition for allowance. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,  
WOLFGANG SIEBERT ET AL. - 2 (DIV)



COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

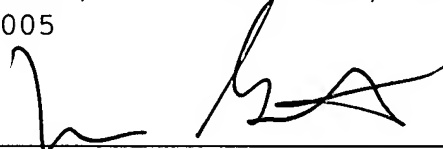
Elizabeth C Richter, Reg.No.35,103  
Allison C. Collard, Reg.No.22,532  
Frederick J. Dorchak, Reg.No.29,298  
Attorneys for Applicants

ECR:jc

Enclosure: Terminal Disclaimer

Copy of Petition for a One-Month Extension of Time

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 16, 2005



Maria Guastella